United Nations S/PV.8410

Security Council

Seventy-third year

Provisional

8410th meeting

Monday, 26 November 2018, 11.35 a.m.

New York

President:	Mr. Wu Haitao	(China)
Members:	Bolivia (Plurinational State of)	Mrs. Cordova Soria
	Côte d'Ivoire	Mr. Adom
	Equatorial Guinea	Mr. Esono Mbengono
	Ethiopia	Ms. Guadey
	France	Mrs. Gueguen
	Kazakhstan	Mr. Tumysh
	Kuwait	Mr. Almunayekh
	Netherlands	Mrs. Gregoire Van Haaren
	Peru	Mr. Tenya
	Poland	Mr. Lewicki
	Russian Federation	Mr. Polyanskiy
	Sweden	Ms. Schoulgin Nyoni
	United Kingdom of Great Britain and Northern Ireland	Mr. Allen
	United States of America	Mrs. Haley

Agenda

Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)

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The meeting was called to order at 11.35 a.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)

The President (*spoke in Chinese*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Ukraine to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Rosemary DiCarlo, Under-Secretary-General for Political Affairs, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Ms. DiCarlo.

Ms. DiCarlo: Less than a month ago, when I last briefed the Security Council on the situation in Ukraine (see S/PV.8386), I brought to the Council's attention the reports of increased tensions in the Sea of Azov and underlined the need to avoid any risk of escalation, provocation or miscalculation. Regrettably, a serious security incident took place yesterday near Crimea, close to the Sea of Azov. I wish to underline that the United Nations currently cannot independently verify the circumstances surrounding the incident. However, reports indicate that an incident involving three Ukrainian vessels and at least one Russian vessel took place on 25 November near the Kerch Strait when the former attempted to enter the Sea Azov. Although the exact number remains unclear, several Ukrainian sailors were reportedly injured in the event. Ukraine claims that it had previously notified the Russian Federation of its intent to sail those vessels to the Ukrainian port of Mariupol in the Sea of Azov, which requires entry through the narrow Kerch Strait. Meanwhile, the Russian Federation claims that Ukraine provoked the incident and that Russia acted in accordance with international law. According to media reports, the Ukrainian ships and their personnel are currently being held by the Russian authorities. Ukraine's National Security and Defence Council has since recommended the declaration of martial law. We understand that the decision remains subject to ratification by the Verkhovna Rada, which is meeting today.

The waters of the Sea of Azov were claimed as being historically internal waters of both Ukraine and the Russian Federation where vessels of the two countries have enjoyed freedom of navigation. However, tensions have risen in and around those waters since the annexation of Crimea in 2014, which has been the subject of several General Assembly resolutions. In September 2016, arbitral proceedings under the United Nations Convention on the Law of the Sea (UNCLOS) were instituted by Ukraine against the Russian Federation with regard to

> "a dispute concerning coastal State rights in the Black Sea, Sea of Azov, and Kerch Strait".

The Russian Federation argues that the Sea of Azov and the Kerch Strait are not subject to the UNCLOS arbitral tribunal.

The United Nations is deeply concerned about this escalation of tensions, which is taking place in the broader context of the conflict in eastern Ukraine and the annexation of Crimea. During our previous briefing to the Council we urged all parties to avoid any unilateral steps that could deepen the divide or depart from of the spirit and letter of the Minsk agreements. In that context, I wish to reiterate that the United Nations fully supports the lead role of the Normandy Four, the Trilateral Contact Group, the Organization for Security and Cooperation in Europe and other key actors to find a peaceful settlement. I also wish to reiterate our call for renewed and constructive action by all those concerned to overcome the apparent impasse in diplomatic negotiations. The United Nations underlines the need to fully respect the sovereignty and territorial integrity of Ukraine within its internationally recognized borders, in accordance with the relevant General Assembly and Security Council resolutions.

Regrettably, yesterday's incident only threatens to cause the situation in and around Ukraine to deteriorate further. We strongly urge both the Russian Federation and Ukraine to refrain from any ratcheting up of actions or rhetoric. We remind both of the need to contain this incident so as to prevent a serious escalation that may have unforeseen consequences. At this juncture, the immediate de-escalation of tensions in the Sea of Azov and the Black Sea is required. It is critical that earnest attempts be made to find a peaceful settlement to the situation, based on the diplomatic and legal means

available and in accordance with the Charter of the United Nations.

The President (*spoke in Chinese*): I thank Ms. DiCarlo for her briefing.

I shall now give the floor to those members of the Council who wish to make statements.

Mrs. Haley (United States of America): This morning I spoke with President Trump and Secretary Pompeo, and my statement reflects the concerns at the highest level of the American Government.

For the past four years, the international community has spoken with a strong, clear and largely united voice denouncing Russia's aggression against Ukraine. The United States, the European Union, its member States and many other countries have imposed sanctions against Russia for its unacceptable conduct in Crimea and eastern Ukraine. Sunday's outrageous violation of sovereign Ukrainian territory is part of a pattern of Russian behaviour that includes the purported annexation of Crimea and abuses against countless Ukrainians in Crimea, as well as stoking a conflict that has taken the lives of more than 10,000 people in eastern Ukraine and shows no sign of decreasing.

What we witnessed this past weekend is yet another reckless Russian escalation. Let us be clear about what is known. Ukrainian ships set sail from one Ukrainian port to another Ukrainian port. They attempted to do so by the only possible way to go — through the Kerch Strait. Both Russia and Ukraine use the Strait routinely, but this time Russia decided to prevent the passage of the Ukrainian ships, rammed them and then opened fire on them. That is no way for a law-abiding, civilized nation to act. Impeding Ukraine's lawful transit through the Kerch Strait is a violation under international law. It is an arrogant act that the international community must condemn and will never accept. In May, the United States condemned Russia's construction and opening of the Kerch Strait Bridge between Russia and occupied Crimea. In August, the United States condemned Russia's harassment of international shipping in the Sea of Azov and the Kerch Strait.

The United States will continue to stand with the people of Ukraine against the Russian aggression. It is our expectation that our European partners will lead that effort through the Normandy Four format, which we support. We call on Russia to respect its international obligations and not obstruct or harass Ukraine's transit in the Kerch Strait and to de-escalate the tensions that it has created. As President Trump has said many times, the United States would welcome a normal relationship with Russia, but outlaw actions like this one continue to make that impossible. The United States will maintain its Crimea-related sanctions against Russia. Further Russian escalation of this kind will only make matters worse. It will further undermine Russia's standing in the world. It will further sour Russia's relations with the United States and many other countries. It will further increase tensions with Ukraine. In the name of international peace and security, Russia must immediately cease its unlawful conduct and respect the navigational rights and freedoms of all States.

Mr. Allen (United Kingdom): May I just start by saying that I was disappointed by the Russian representative's explanation of vote in the previous meeting (see S/PV.8409). As he himself stated, he did not actually make an explanation of vote, but a substantive statement. In doing so Russia showed contempt for the Security Council and its members by not accepting a procedural vote by the Council. Russia has regularly discussed Ukraine here under a different agenda item. In this instance Russia deliberately chose a provocative title for the meeting, which it knew that it would lose. I ask myself why. I assume that Russia knows how weak its position of substance is, and thereby hopes to turn attention on process and play the part of the victim. It will not work because yesterday, by Moscow's own admission, Russian vessels opened fire on and seized three Ukrainian vessels approaching the Sea of Azov. We are deeply concerned about the six injured Ukrainians and the 23 others who have been detained by the Russian Federation. We call for their immediate release.

We condemn Russia's deplorable use of military force. This further demonstrates Russia's ongoing contempt for Ukraine's sovereignty and territorial integrity and its contempt for the global rules-based international system, which the Organization serves to uphold. It follows Russia's illegal annexation of Crimea in 2014 and its construction of the Kerch Strait Bridge in May, which constitutes a further violation of Ukraine's sovereignty and territorial integrity. Yesterday's action follows months of Russian harassment of international shipping in the Sea of Azov, presumably aimed at destabilizing the Ukrainian economy. Russia's actions are not in conformity with the United Nations Convention on the Law of the Sea and the 2003 Russia-

Ukraine bilateral agreement that provides for the freedom of passage for each State's vessels in the Sea of Azov, including military ships. Russia's actions must stop immediately. International shipping must be allowed free passage in the Sea of Azov. All parties must exercise restraint.

We have seen this game before. Russia wants to consolidate its illegal annexation of Crimea and annex the Sea of Azov. Russia seems to hope the international community will simply acquiesce and accept this as a new reality. Well, we will not. The United Kingdom's position is clear. We do not and will not recognize the illegal annexation of the Crimean peninsula by Russia. The General Assembly made its position clear in resolution 68/262, of 27 March 2014, and we continue to fully support Ukraine's sovereignty and territorial integrity within its internationally recognized borders and territorial waters, which is why on 31 July the European Union sanctioned six new entities in connection with Russia opening the Kerch Bridge. We continue to work closely with international partners to ensure the sanctions remain in place as long as Russia's control of the peninsula continues.

Russia's illegal annexation constituted a deliberate violation of a number of international agreements and commitments, including Article 2 of the Charter of the United Nations, the Helsinki Final Act, the Budapest Memorandum and the 1997 Russia-Ukraine Treaty of Friendship. But that is just a start. Russia's actions are also causing human suffering. Appalling human rights abuses in the Crimean peninsula continue with the widespread persecution of such minority groups as the Crimean Tatars. The Crimean Tatars face regular harassment and risk arrest, detentions and threats of seizure of their property. They have had their rights of worship, assembly and expression restricted.

The Crimean Tatars are not the only people suffering at the hands of Russia. Anyone who expresses even mild discontent or voices their opposition to the illegal annexation of Crimea risks being charged with extremism and given a lengthy prison sentence, which has forced many into exile. Russia continues to ignore calls by the General Assembly for the United Nations High Commissioner for Human Rights to visit Crimea.

We remain clear in our support of the rules-based international system, which Russia continues to flout. Russia must not be allowed to rewrite history by establishing new realities on the ground. But this is sadly not the first time Russia has indulged in such reckless and provocative acts this year. Russia was responsible for a chemical-weapon attack on British soil, and its agents were caught red-handed in The Hague. Russia has steadily increased tension in the Sea of Azov and has now, by its own admission, fired on Ukrainian ships, injuring sailors on board. Those are not the actions of a responsible country dedicated to the maintenance of international peace and security and to upholding the United Nations Charter.

As my Prime Minister recently made clear, like others in this Chamber today, we remain open to a different relationship with Russia, one where Russia desists from these attacks that undermine international treaties and international security and refrains from actions that undermine the territorial integrity of its neighbours, and instead acts together with the international community to fulfil the common responsibilities we share as permanent members of the Security Council. We hope that the Russian State chooses to take this path. However, Russia's actions over the weekend do not give much ground for hope.

Mrs. Gueguen (France) (*spoke in French*): In view of the commitment of the French and German authorities to resolving the crisis in Ukraine within the framework of the Normandy format, this statement is made on behalf of France and Germany.

The maritime incidents that occurred yesterday are serious and cause us great concern. As we have just heard, the Kerch Strait, the Black Sea and the Sea of Azov were the scene of violent manoeuvres yesterday that have considerably increased tensions and the risk of escalation, thereby highlighting the instability of the region. Russian forces reported that they had collided with and then seized with force three Ukrainian warships that were attempting to cross the Strait. Six Ukrainian sailors were wounded. We are aware of nothing that could justify that use of force.

As indicated this morning by our authorities, as well as the Permanent Representatives of the European members of the Security Council visiting Beijing, we express our deep concern at the actions of the past 24 hours and call on the parties to exercise the utmost restraint. France and Germany call in particular on Russia to restore and respect, in accordance with international law of the sea, the freedom of passage in the Kerch Strait, as well as the right of access to the Sea of Azov, which is currently temporarily blocked, and to

act immediately to de-escalate tensions. We also call on Russia to release the detained Ukrainian seamen as soon as possible and return the seized vessels.

I wish to assure Ukraine of our solidarity and strongly reaffirm the commitment of France and Germany to full respect for the sovereignty and territorial integrity of Ukraine within its internationally recognized borders. Yesterday's incidents are the direct consequence of Russia's annexation of Crimea in March 2014, in violation of international law. In that regard, we recall that we condemned Russia's construction of the Kerch Bridge, which contributes to depriving Ukraine of full access to its maritime areas in the Sea of Azov.

Yesterday's serious incidents also serve to highlight the need for a lasting solution to the situation throughout eastern Ukraine. France and Germany will continue to mobilize as they have done for the past four years to calm the situation in eastern Ukraine and promote a long-term resolution of the crisis, through the Normandy format.

Let us be clear: all parties, in particular Russia, must respect the commitments they themselves have made. The full implementation of the Minsk agreements, to which both Russia and Ukraine have committed themselves, remains the only way to find a peaceful and lasting solution to this conflict, which has been going on for almost five years.

France and Germany will continue to stand by the side of the Ukrainian people scarred in recent years by the Donbas conflict and the illegal annexation of Crimea. The Council may rest assured that we will continue our efforts in this direction, within the framework of the Normandy format and in all appropriate forums.

Mr. Lewicki (Poland): Let me echo the delegation of the United Kingdom by stressing that it is also our understanding that the Russian delegation's delivery of a de facto full and substantial statement after its request had been rejected did run against the practices and procedures of the Security Council.

We have gathered in this Chamber today to discuss an additional demonstration of disregard for international law and an attempt to undermine efforts aimed at achieving peace in Eastern Europe. Russia has just added another dimension to the conflict in Ukraine.

During the previous Security Council briefing on Ukraine (see S/PV.8386) we expressed our concern about the development of military capabilities taking place in the Crimea and the Sea of Azov. For several months Russia has delayed hundreds of commercial vessels attempting to reach Ukrainian ports in the Sea of Azov via the Kerch Strait for extended periods and at great economic cost for Ukraine. Now Russia attacks Ukrainian vessels, stating the need for protection of "Russian territory". Further militarization and an increase of tensions brings more instability to a region that has already suffered enough.

After the aggression against Georgia, the illegal occupation of Crimea, the fuelling of the conflict in Donbas, the building of the Kerch Bridge without the consent of the authorities in Kyiv, and the farcical elections in the separatist regions on 11 November, Russia has now violated Ukraine's navigation rights. We strongly condemn Russia's aggressive actions and call on its authorities to respect international law. We also call on both sides to exercise restraint in the current situation, which may further jeopardize the stability of European security.

This State-to-State conflict initiated and fuelled by Russia has one aim: to destabilize Ukraine. We therefore urge the United Nations system as a whole to give proper attention to this active armed conflict. We cannot turn a blind eye to this situation just because one of the sides in the conflict is a permanent member of the Security Council.

Russia's military actions in Crimea and the Sea of Azov should serve as a lesson learned as to what this State is capable of in order to safeguard its critical infrastructure in Europe. Persistent violations of international law, including bilateral agreements, lead directly to the imposition of forced solutions aimed at controlling Russia's interests concerning the existing communication and energy infrastructure as well as such infrastructure under construction and that being planned.

Let me reiterate that Poland strongly supports the independence, sovereignty and territorial integrity of Ukraine within its internationally recognized borders. We do not recognize Russia's annexation of Crimea. We underline the need for the full implementation of the Minsk agreements, which is the only path to a lasting solution to the conflict in and around Ukraine.

Ms. Schoulgin Nyoni (Sweden): Sweden is deeply concerned about the escalation in the Sea of Azov and the Kerch Strait. Blocking maritime traffic to and from Ukrainian ports, using military force, is a

serious violation of international law. This violation comes against the backdrop of the illegal annexation of Crimea and Sevastopol in 2014 and the finalization of the bridge across the Kerch Strait earlier this year, both blatant violations of Ukraine's sovereignty and territorial integrity.

We fully support the Ukrainian request for a Council meeting in the light of the latest developments. Any other country would have done the same and would have expected the issue to be handled as the threat to international peace and security that it constitutes.

Russia's unwarranted and disproportionate checks of ships passing through the Strait has been ongoing for months already. We regret that Russia has ignored the calls from Ukraine and the international community to abide by international law and allow free passage through the Kerch Strait and instead has opted to escalate the situation further. In a situation that is already tense, this behaviour is deeply irresponsible.

As a first step, the naval vessels and crew members who have been detained should be immediately and unconditionally released. This would be an important step towards de-escalation.

We urge Russia to act in accordance with international law. Let me underline that there can be no doubt that Russia has international legal obligations to refrain from blocking access to Ukrainian ports in the Azov Sea and elsewhere, as well as to respect Organization for Security and Cooperation in Europe principles and commitments. We call on Russia to respect Ukraine's sovereignty and territorial integrity and its navigational rights.

Mr. Adom (Côte d'Ivoire) (*spoke in French*): My delegation welcomes the convening of this emergency meeting of the Security Council given the serious nature of the incidents that took place on Sunday 25 November between the Russian naval forces and Ukrainian vessels in the Kerch Strait.

We wish also to thank Ms. Rosemary DiCarlo, Under-Secretary-General for Political Affairs, for her briefing.

In a region already affected by a conflict that observers say has killed approximately 10,000 people since it started in 2014, this upsurge in tension could further exacerbate the threat of a new military confrontation with disastrous humanitarian consequences.

My country deplores this incident, which, like those noted in recent months, continues to contribute to the climate of mistrust between the Russian and Ukrainian parties and to undermine the peace efforts made by the international community to restore peace and stability to the region.

My country would like to take the opportunity provided by this meeting to urge the Russian and Ukrainian parties to show restraint in order to avert a military escalation in the region. It urges them to refrain from any actions that could lead to a new and larger-scale conflict.

My delegation deplores the lack of progress in the implementation of the Minsk agreements under the Normandy format and urges the Russian and Ukrainian parties to promote a peaceful settlement to their dispute. In this regard, it expresses its support for the observer mission of the Organization for Security and Cooperation in Europe (OSCE) and for the Joint Centre for Control and Coordination in their efforts to de-escalate the conflict. Furthermore, my delegation urges the Joint Centre for Control and Coordination to play its role of supporting OSCE observers and monitoring the ceasefire agreements in order to ensure the effective implementation of the Minsk agreements.

In conclusion, I would like to reiterate Côte d'Ivoire's support for all efforts under way to find a negotiated political solution to the crisis in Ukraine.

My country urges all protagonists to respect their commitments to ensuring the effective implementation of the Minsk agreements and of resolution 2202 (2015), which endorses them.

Mr. Tumysh (Kazakhstan): I thank the Chinese presidency for convening today's emergency meeting on the latest developments in the Azov Sea.

Kazakhstan, as a member of the Council, is open to dialogue and is ready to debate international security issues in the context of transparent discussions in order to prevent international conflicts. Taking this into account, as well as the need to consider the matter within the framework of the Security Council, our delegation was ready to vote in favour of both requests, that of Ukraine and that of Russia.

Kazakhstan considers both peoples — those of Ukraine and those of Russia — as the inhabitants of brotherly nations to our country that have shared a common history. In this regard, we urge both parties

to refrain from any steps that could lead to a further escalation of tensions in bilateral relations.

It is of special importance to our State that Ukraine remain sovereign, stable and independent. Kazakhstan is ready to assist both nations — the Russian Federation and Ukraine — to overcome this crisis in their relations.

Kazakhstan adheres to a balanced approach of resolving the Ukrainian crisis through peaceful negotiations and a mediation process based on the key principles and norms of international law and the United Nations Charter. My country continues to take part in multilateral consultations in seeking a settlement of this issue. We are determined to work closely with all members of the Council without political expediency and in an open, objective, responsible and constructive way.

It should be noted that in the past our country contributed to the launching of the Normandy format and to the eventual conclusion of the Minsk agreements. Kazakhstan has also repeatedly expressed its readiness to render all-round assistance in the process, supporting a peaceful settlement in the south-eastern part of Ukraine and fostering robust relations between Ukraine and Russia.

In this vein, our delegation is concerned that the negotiation process to resolve the Ukrainian conflict has been suspended during the past months, as evidenced by the lack of higher-level contacts in the Normandy format. This suspension has the potential to spark new and negative developments in the region.

In that respect, it is with regret that we learned of the incident between the Russian and Ukrainian navy vessels in the Kerch Strait that took place yesterday, 25 November. Kazakhstan urges both sides to act with the utmost restraint so as to de-escalate the situation between the two States. We consider this to be the only viable existing mechanism to resolve the issue in a peaceful way through refraining from any kind of negative action.

An incident such as this could drastically raise the chances of an unintended spark setting the region on fire. Both Governments must urgently step in and try to negotiate a deal to de-escalate the situation, with possible assistance from the international community.

We believe that sustainable peace and the full-fledged normalization of relations between both countries can also be achieved through the establishment of confidence-building measures in the security and economic areas. We should not allow any further escalation of tensions, as they could lead to active warfare in this new area.

Mrs. Cordova Soria (Bolivia) (*spoke in Spanish*): We thank Under-Secretary-General Rosemary DiCarlo for her briefing.

We express our concern about the events that took place yesterday in the Sea of Azov. We reiterate that the military option is in no way not a solution to any controversy. In that regard, we call on the parties to create appropriate conditions to avoid the escalation of tensions, refrain from action that encourage violence, comply with the purposes and principles of the Charter of the United Nations, and respect international law and international maritime law, including the United Nations Convention on the Law of the Sea. In that regard, we call on the parties to work for a peaceful solution through dialogue, taking into account the package of measures for implementing the Minsk agreements, in order to achieve a balance of interests, without neglecting the principles of preventive diplomacy and good offices aimed at identifying a negotiated political solution.

We also stress that both the international community and the Council must make every effort necessary to maintain international peace and security, which in the long term will be beneficial to the region, with the parties themselves resolving their differences. Finally, we call on the leaders of both sides to overcome the divisions of the past, putting peace first for the benefit of their peoples, and urge the international community to heed the concerns of all parties, with a neutral and equitable approach in pursuit of lasting stability.

Mr. Tenya (Peru) (*spoke in Spanish*): We are grateful for the convening of this meeting and the briefing given by Ms. Rosemary DiCarlo.

Peru is deeply concerned by the recent incident in the Kerch Strait and its potential repercussions for the complex and unstable relations between the Russian Federation and Ukraine, and for regional stability. We regret the recent escalation and greater tensions between the countries. In accordance with the Charter of the United Nations, Peru reiterates the need to respect the independence, territorial integrity and sovereignty of Ukraine. We call on the parties, both of which are represented here, to act with restraint, avoid further escalation and always act in pursuant

of international law and the principle of the peaceful settlement of disputes.

Mr. Almunayekh (Kuwait) (*spoke in Arabic*): At the outset, I would like to thank Ms. Rosemary DiCarlo, Under-Secretary-General for Political Affairs, for her briefing on developments in the Sea of Azov.

The recent escalation of tensions in the Sea of Azov is very worrying. We call on both sides to exercise self-restraint and undertake all measures necessary to diffuse military tensions in the Sea of Azov. We call on them to abide by the United Nations Convention on the Law of the Sea, and urge them to demonstrate the necessary political will and to renew their commitment to the full implementation of the Minsk agreements in order to resolve the conflict and maintain security and stability in the region.

We reiterate our commitment to respecting Ukraine's unity, sovereignty and territorial integrity within its internationally recognized borders, and to not interfere in its internal affairs. We hope that the parties involved will fully implement resolution 2202 (2015), the Minsk agreements for peace, and presidential statement S/PRST/2018/12 of 6 June. We also hope that both sides will seek to arrive at a comprehensive and balanced solution to this issue through dialogue, as stipulated by Article 33 of the Charter of the United Nations. We stress the need to do so within the Normandy format and the Trilateral Contact Group in order to achieve immediate progress towards implementing the Minsk agreements.

Mr. Esono Mbengono (Equatorial Guinea) (*spoke in Spanish*): I should like to begin by thank Rosemary DiCarlo, Under-Secretary-General for Political Affairs, for her briefing on the latest developments in the situation concerning the Kerch Strait.

On 30 October (see S/PV.8386) and on several other occasions, Equatorial Guinea encouraged the parties to respect the full implementation of the Minks agreements and to refrain from actions that could aggravate and destabilize the situation in the country and in the region. That is why my delegation regrets the recent events in the Sea of Azov with respect to the situation in question, and notes with great concern the escalation of the situation that led to the convening of this meeting.

The situation in the Sea of Azov poses new threats to stability in the region. That is why reducing tension so as to avoid an escalation of the situation is a top priority at this time and requires the cooperation and resolve of both parties. In that regard, we call on the parties concerned to remain calm and refrain from taking any action that could lead to a further escalation of the situation. We also encourage them to resolve the situation through political and diplomatic dialogue for a peaceful and political solution to the crisis.

Given the complexity and fragility of the situation, we believe that it is important to harmonize the efforts of the parties. We therefore believe that only the coordinated and harmonized efforts of the parties involved will guarantee a fair and definitive solution to the situation. In that regard, my delegation urges the parties to find a political solution through dialogue and negotiations, based on respect for international law, the principles of international relations and the maintenance of international regional peace, security and stability. We emphasize the need for the parties to respect the Charter of the United Nations and to resolve their disputes in accordance with existing bilateral and multilateral agreements.

In conclusion, we remind the parties once again that a solution to the issue can be achieved only by peaceful means, through direct, frank and inclusive negotiations. In that regard, we urge the parties to exercise the utmost restraint in order to defuse the situation, intensify their efforts and commit themselves to avoiding actions that could escalate tensions.

Ms. Guadey (Ethiopia): Let me first of all thank Under-Secretary-General DiCarlo for her briefing.

We have followed the situation around the Sea of Azov and we are concerned by the rapid escalation of the situation in the area. It is vital that all efforts be made to reduce tension. We support today's call of the Organization for Security and Cooperation in Europe on the parties to exercise maximum restraint and refrain from taking actions that would further undermine the security and stability of the area. We also agree that there is a need for the parties to address their differences through political and diplomatic means.

On the issue of Ukraine, we once again reiterate our support for the implementation of the Minsk agreements for the peaceful settlement of the crisis. We believe that it is absolutely imperative that the parties remain fully committed to the implementation of the Minsk agreements and strictly adhere to resolution

2202 (2015), which endorsed the package of measures for the implementation of the Minsk agreements.

Mrs. Gregoire Van Haaren (Netherlands): Let me start by thanking Under-Secretary-General DiCarlo for her update on the situation in and around the Sea of Azov.

At the outset, I would like to support the procedural point that was put forward by the United Kingdom and Poland. In line with General Assembly resolution 68/262, adopted by an overwhelming majority on 27 March 2014, let me reiterate our full support for the independence, sovereignty and territorial integrity of Ukraine within its internationally recognized borders.

Less than a month ago (see S/PV.8386), we sat in the Chamber to discuss the situation in Ukraine. It is clear that the volatile security situation in that part of the world needs to be addressed urgently. I will focus on three issues today: first, the events of Sunday 25 November; secondly, the context in which those events are taking place; and, thirdly, steps towards de-escalation.

With regard to my first point, the Kingdom of the Netherlands is deeply concerned about yesterday's developments in the Black Sea region. The blocking of the Kerch Strait by the Russian Federation, denying access to Ukrainian ports, constitutes a violation of international law. That is not acceptable. As we stated in the Council meeting of 30 October, the security situation in that area has direct consequences for the broader Black Sea region.

That brings me to my second point. Let us focus on the root cause of the situation we are discussing today — the illegal annexation of the Crimean peninsula by the Russian Federation. That remains a violation of international law and Ukraine's sovereignty and territorial integrity. The annexation constitutes an ongoing threat to international peace and security that merits the full attention of the Council. Since 2014, the security situation in the region has been worsening due to the actions that the Russian Federation has taken. It has militarized the Crimean peninsula, illegally built a bridge over the Kerch Strait and imposed unilateral and unwarranted limitations on maritime shipping in the Sea of Azov.

Thirdly, any further escalation of tensions must be prevented. We call on the Russian Federation to halt all restrictions on the freedom of navigation that it has imposed both within and into the Sea of Azov, and refrain from any further military confrontation with Ukrainian vessels in the region. Such actions are illegal and violate Ukraine's sovereignty and territorial integrity. We furthermore reiterate the various calls from the international community, including from the European Union, on all parties involved to exercise the utmost restraint in order to prevent any further escalation of tensions. The stakes are high, and the consequences could be grave.

As the Kingdom of the Netherlands said in its statement on 30 October, it welcomes Ukraine's decision to seek arbitration under the United Nations Convention on the Law of the Sea. We urge the Russian Federation and Ukraine to commit to that arbitration process and seek a peaceful legal settlement to the dispute.

Let me end by reiterating that sustainable peace and stability in the region will be possible only if and when the Russian Federation returns to respecting the sovereignty and territorial integrity of Ukraine within its internationally recognized borders.

The President (*spoke in Chinese*): I shall now make a statement in my capacity as the representative of China.

First of all, I would like to thank Under-Secretary-General for Political Affairs Rosemary DiCarlo for her briefing.

China has noted the altercations between Russian and Ukrainian naval ships in the waters near the Kerch Strait. We are concerned over the tensions arising therefrom. China calls for the relevant parties to exercise restraint, and hopes that they will, in order to prevent any further escalation of tension and properly resolve the relevant issues through dialogue and concertation. China has consistently maintained its objectivity and impartiality with regard to the crisis in Ukraine. China respects the sovereignty and territorial integrity of all countries, including Ukraine, and opposes interference in Ukraine's internal affairs by any external forces. We are always of the view that military solutions will get nowhere. The only way to resolve crises is through dialogue and negotiations.

The international community must stay the course with its diplomatic efforts to push for a political settlement of the Ukrainian crisis. Discussions in the Council should contribute to achieving a genuine easing of tensions in the affected regions of Ukraine and play

a constructive role in facilitating a political solution. China believes that all the relevant parties should earnestly implement the new Minsk agreements and stay the course of political settlement through dialogue and concertation in seeking a comprehensive solution to the Ukrainian issue. That will enable Ukraine to achieve peace, stability and development, enabling all ethnic groups to live in peace within Ukraine, and Ukraine to live in peace with all the countries of the region. China is ready to continue playing its positive role in the political settlement of the crisis.

I now resume my functions as President of the Council.

I give the floor to the representative of Ukraine.

Mr. Yelchenko (Ukraine): Before coming here, I did what some of us normally do every morning. I searched on the Internet to find out what happened on this day in history. Here is what I found.

Exactly on this day, 26 November, in 1939, the Soviet army orchestrated an incident by shelling the village of Mainula, near the Soviet-Finnish border. Then the Soviets claimed that the shelling had come from the Finnish side and used that as a pretext for their invasion of Finland on 30 November. That is how the so-called Winter War started, which eventually led to the expulsion of the Soviet Union from the League of Nations. That is interesting, is it not? That is a story about a failure to learn lessons.

(*spoke in Russian*)

Mr. Polyanskiy was the one to talk about who had learned lessons and who had not.

(*spoke in English*)

We appreciate the convening of this briefing at the request of Ukraine. I would like to sincerely thank the members of the Security Council for the unwavering support for my country that they have demonstrated once again today. And, of course, I thank Under-Secretary-General for Political Affairs Rosemary DiCarlo for her very useful update.

We are convinced that it is of the utmost importance to discuss the recent developments near the Kerch Strait, since they constitute a clear threat to international peace and security. Before delving into the subject, I would like first to express my dismay at the attempt of the Russian Federation to manipulate the agenda of the Council and to have a meeting convened under an agenda item with the deceiving title "Violation of the borders of the Russian Federation". In that regard, I have to emphasize that, according to the international law, Crimea and its respective territorial waters are Ukrainian territory, temporarily occupied by the Russian Federation. Therefore, there are no Russian borders in the area where the incident happened. I repeat — there are no Russian State borders around the Crimean peninsula.

The Council has already heard the Russian interpretation of the events, which, as usual, has been concocted to mix reality with fiction, in the ultimate goal of misinforming, misleading and confusing the listener. Instead of real details about yesterday's incident, we heard epic stories about an apocalypse in Ukraine. The Russian claim regarding a violation of the Russian border by Ukrainian naval ships is an outright lie that was invented just to cynically shift all the responsibility onto the Ukrainian side, consciously manipulating the facts and ignoring the evidence. In order for all Council members to better understand the situation, I would like to present the main facts of what happened during the past three days.

First of all, in accordance with the United Nations Convention on the Law of the Sea and article 2 of the treaty between Ukraine and the Russian Federation on cooperation in the use of the Sea of Azov and the Kerch Strait, the Ukrainian navy enjoys full freedom of navigation in the Kerch Strait and the Sea of Azov and, therefore, can pass through the Kerch Strait at any time.

On 23 November, a Ukrainian Navy boat group, which included the small armoured boats *Nikopol* and *Berdyansk* and the tugboat *Yani Kapu*, began a planned transit from the Black Sea port of Odessa to the port of Mariupol in the Sea of Azov. The route and procedure of that passage were the same as in September, when the two Ukrainian naval vessels *Donetsk* and *Korets* sailed from Odessa to Mariupol. On 24 November, during the naval movement, the commander of the Ukrainian naval group received a notice from the Russian authorities concerning the closure of navigation in the Kerch Strait area. However, the international centre for navigation control located in Spain did not confirm that notification.

On 25 November, the Ukrainian commander twice requested passage through Kerch Strait from the Russian maritime control services. He did not receive an answer. Later the Russian maritime control officer

directed the Ukrainian navy boat group to the so-called area of waiting. It was stated that Ukrainian vessels would soon be informed on the Kerch Strait passage procedure. And then all hell broke loose.

At approximately 8.30 or 9 a.m., a Russian coast guard ship rammed the tugboat *Yani Kapu* and damaged it. The video of that attack is available online. A viewing will clearly show that the Ukrainian boat was trying to avoid the collision, while the Russian ship was deliberately carrying out the attack. I also have to warn viewers that if they happen to understand the Russian language, they will hear lots of profanities from the Russian sailors in that short video clip.

After the ramming, the Russian vessels blocked the other two Ukrainian vessels from rendering assistance to the damaged vessel. All the while, the Russian vessels were trying to provoke Ukrainian seamen to open fire. At 1.22 p.m., two Russian Ka-52 Alligator attack helicopters approached the Ukrainian cutters at their anchorage spot at a height of 50 metres. They openly demonstrated their missile armaments and their laser-aiming device. After completing the dangerous manoeuvres, the helicopters departed towards the Crimean peninsula.

From 1.40 p.m. onwards, Russia physically blocked the passage beneath the so-called Kerch Bridge with the placement of first a tanker and then a cargo ship. After 7 p.m., due to the impossibility of passing through the Strait, the Ukrainian navy ships headed back to exit the Kerch Strait, turning away from the Strait and towards the open sea. They were immediately followed by a group of about 10 coast guard and Russian Black Sea fleet vessels.

There are audio recordings of communications among the Russian vessel commanders regarding orders on how to proceed. Those recordings clearly demonstrate that the Russian military vessels were given orders to attack the Ukrainian vessels after the latter started to withdraw from the area.

At approximately 8.30 p.m., the Russian side carried out the shoot-to-kill order. I have all of those recordings on my telephone, but I will not waste the Council's time now in playing them. Instead, I will limit myself to quoting a couple of exchanges that were intercepted.

There is a conversation between the base in Kerch and the Russian boat *Izumrud*:

> "Hands up, hands up, everyone on board, hands up. Throw down your arms. We will shoot to kill."

And then, finally, on who ordered the shooting, there is a communication from *Izumrud*.

> "I cannot connect with *Izumrud*, there is commotion in the air. They are shouting 'the Ukrainians are sinking' and what is going on with them I don't understand."

And then, the commander from Kerch asks, "Who gave the order to shoot to kill?"

And the captain of *Izumrud* replies: "It was me. According to your previous orders."

The Ukrainian vessels *Berdyansk* and *Nikopol* were damaged. After that, Ukrainian vessels were forced to stop and were seized by the Russian Federal Security Service (FSB) special forces. Six Ukrainian seamen are wounded, three seriously so and, according to information we have received, one is in critical condition.

The video footage of ramming and shooting, as well as relevant audio recordings, have already been posted online and everybody can consult them to see what happened and how it happened.

Throughout all those events, the Ukrainian side acted strictly in line with international law and the existing bilateral agreement with the Russian Federation. Ukraine's right to cross the Kerch-Yenikale canal is guaranteed by paragraph 1 of article 2 of the 2003 treaty between Ukraine and the Russian Federation on cooperation in the use of the Sea of Azov and the Kerch Strait. The treaty clearly provides for freedom of navigation for both civil and military vessels of Ukraine and Russia in the Sea of Azov and the Kerch Strait. This is the treaty in my hands, which was signed by the current Russian Government.

(*spoke in Russian*)

Mr. Polyanskiy cannot deny that this agreement has been signed by his side and needs to be upheld.

(*spoke in English*)

Secondly, the Russian Federation was duly informed well in advance through traditional channels of communication about the passing of the Ukrainian navy's group through the Kerch Strait.

Thirdly, the Ukrainian Navy group strictly followed the orders of the traffic control service. As the Council can see, there were no provocations whatsoever from Ukraine's part. Nevertheless, the Russian Federation opted to purposefully block the passage of the Ukrainian ships, thus violating the freedom of navigation guaranteed by the Ukraine-Russia cooperation agreement on the use of the Sea of Azov and the Kerch Strait.

Moreover, Russia committed an act of open military aggression against Ukraine by targeting, firing on and capturing three military vessels. I would like to remind everyone that, pursuant to article 3 (d) of the annex to General Assembly resolution 3314 (XXIX),

> "an attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State"

qualifies as an act of aggression.

Russia's recent belligerent acts constitute yet another violation of international law, including the Charter of the United Nations, the United Nations Convention on the Law of the Sea and the 1994 Budapest Memorandum, as well as existing bilateral agreements. This is a conscious provocation aimed at aggravating the security situation in the region with a view to Russia establishing full control over the Sea of Azov and the Kerch Strait. There is irrefutable evidence that the recent aggressive actions by Russia were planned and authorized by top Russian military leadership.

Ukraine's restraint in its response clearly demonstrates that we are committed to solving the current situation by peaceful means and in full compliance with international law and existing bilateral obligations. Nevertheless, further escalation of the situation by the Russian Federation should not be ruled out. According to available intelligence, there is a clear threat of invasion of Mariupol and the seizing of Berdyansk. Further aggressive acts and provocations by the FSB Border Guard Service and the Russian navy remain a realistic possibility.

Due to those threats, yesterday the President of Ukraine supported the initiative of the National Security and Defence Council of Ukraine to propose to the Parliament of Ukraine to declare martial law for 60 days, but to cut it short to 30 days in order to avoid unnecessary speculation. The imposed martial law can be lifted at any time. It will have no negative effects on respect for human rights and the functioning of democratic institutions. In response to the Russian delegation's scare stories about the alleged motives of Ukraine's President regarding the declaration of martial law, I will simply quote the statement that the President made just a couple of minutes ago, which is available online:

> "The martial law will last 30 days and will be over in the middle of December. In Early December, I will submit a draft decision of the Parliament regarding the date of the presidential elections, which, according to the Constitution, are to be held on 31 March 2019."

Ukraine is ready to settle the situation in through political and diplomatic means. At the same time, we are ready to use all available means in exercising our right to self-defence, as provided for in Article 51 of the Charter of the United Nations.

The Kremlin's criminal regime has once again demonstrated that it will not end its aggressive policies and is ready to commit any acts of aggression against the Ukrainian State. The dramatic escalation of the situation in the region demands a rapid response from the international community. These events are yet another testament to the relevance of the General Assembly draft resolution prepared by Ukraine and a group of like-minded States regarding the issue of the militarization of Crimea, the Black Sea and the Sea of Azov.

Once again, we are grateful for today's strong statements in support of Ukraine, calling on the Russian Federation to guarantee freedom of navigation in the region and condemning Russia's acts of aggression in the Black Sea and the Sea of Azov. Ukraine demands that Russia immediately release the 23 captured Ukrainian servicemen and all three Ukrainian ships. We also call on the international community to implement a new set of sanctions aimed at addressing the situation in the region, including against Russia's ports on the Sea of Azov. The increased political pressure on Moscow would help to de-escalate the security situation at sea and lift the block on the free crossing of the Kerch-Yenikale canal. If unopposed, the Kremlin regime will continue to commit other aggressive acts, creating ever more widespread conflict in the region.

The President (*spoke in Chinese*): The representative of the Russian Federation has asked to make a further statement.

Mr. Polyanskiy (Russian Federation) (*spoke in Russian*): Many interesting things have been said, and I have decided to share our views on them after all, although of course a lot of them are not worth discussing and a lot are very predictable. First of all, we once again feel we were absolutely justified in our proposal to hold a meeting under a different agenda item, since people seem to be talking about anything they feel like — annexation, occupation, aggression. I was astonished to learn that we have occupied and even annexed the Sea of Azov. That is news to us. But as far as the main theme is concerned, nobody really said much. Except Ambassador Yelchenko, who did indeed torture the facts. But I will return to that later.

The only question is why the Ukrainians, who had been familiar with the regime for passage through the Kerch Strait and using it without any problems, suddenly carried out an act of clear provocation and risked the lives of their own sailors. Nobody has tried to answer that question or even mention it. It could therefore be perceived by as giving Ukraine carte blanche to continue such provocations and foment a situation that could pose a threat to everyone in the region. And going on what Mr. Yelchenko said, Ukraine got the message.

I would like to correct some errors on the part of some of the speakers. Ms. DiCarlo somehow confused Crimea and the Minsk agreements in a very odd way. I hope that she has actually read the Minsk agreements. She is no doubt well aware that there is not a word in them about Crimea. She also urged respect for the sovereignty of Ukraine, but only Ukraine. Surely, though, the Russian Federation's sovereignty should be respected as well. At least we assume that is what she believes. Mrs. Haley also assumed that Crimea is part of the Minsk agreements, and I got the impression, at least I thought I heard, that the Minsk agreements apparently extend even to the Sea of Azov too. I am sorry to say that such ignorance is shocking. We devoted most of a previous meeting (see S/PV.8270), to an analysis of the Minsk agreements by Mr. Nebenzia, our Permanent Representative, who went through them from the first to the last paragraph. And in spite of that we have to listen to this egregious stuff.

With regard to the incident itself there are many questions. An investigation is under way, of course, and we will certainly share its conclusions. I do not want to anticipate anything about what is still a hot topic, but I can speak to two points that have not been mentioned but that are clearly significant and relevant to analysis of the incident. First, on board one of the vessels were two employees of Ukraine's security services who admitted that they were on a special assignment and were supposed to act in exactly that way. We will tell the Council about that too.

In another small but relatively important detail, the Ukrainians violated our border in a place that was Russian territory before 2014, if we decided to talk about what is Crimea and what is not. But the Ukrainians refused a pilot and made a treacherous approach to the Kerch Strait from the south. That is an act of gross provocation and it is hard even to imagine any other way of putting it, and yet some of those here have knowingly covered it up. It is also worth pointing out that their actions, including in supporting Ukraine's version of what happened, are already exacerbating the situation, including in eastern Ukraine. As our colleagues from the Organization for Security and Cooperation in Europe have told us, the Ukrainian military has been drawing up Buk S-300 surface-to-air missile systems and Grad and Uragan multiple rocket launchers at the line of contact. The disengagement of forces in Stanytsia Luhanska is blocked and soldiers have infiltrated disengagement areas in Zolote and Petrovske. Units of the Ukrainian seventy-second brigade have captured the village of Rozsadky near Svitlodarsk. Those are real things that testify to the fact that the Minsk agreements are being violated. Everything else, and in any case a lot of what has been said here today, has absolutely nothing to do with that, and those facts have been completely ignored by the speakers here today.

Although Crimea is not on the Security Council's agenda, as long as the subject has been brought up, I would also like to say that whether anyone likes it or not, the question of where Crimea belongs has long ago been closed for both us and for Crimeans. No sanctions or restrictions will change our decision. That issue was closed after the Crimeans voted to reunite with Russia in a free referendum based on a nation's right to self-determination. Many people ask if we knew then what awaited us in the frenzied rush of the West to launch its anti-Russian geopolitical "project Ukraine" that I mentioned earlier this morning. Of course we knew. We had no illusions. Does Russia regret what has happened? Absolutely not. Furthermore, I want to say that an overwhelming majority of Russians are proud of it, since if we had not taken a stand to protect the Crimeans, today they would be dying from

the Ukrainian army's bullets and shells, just as the Russian-speaking residents of Donbas are dying. They are dying merely because they want to speak Russian, teach their children in Russian and honour those who liberated Ukraine from the fascists rather than those who collaborated with them.

While I did not mention it in my previous statement on the correct topic for this meeting, I should also point out that Kyiv's decisions have given free rein to Ukraine's radical nationalists. They have been particularly active in the past few days. And in particular, nobody has mentioned the fact that there was another attack on the Russian Embassy in Kyiv while the police did nothing. A diplomatic car was set on fire last night. The radicals continue to threaten to storm our diplomatic headquarters. As I understand it, we should expect no response on this from anyone. Does anyone think that is normal? We demand that Ukraine provide full and unconditional immunity to Russia's embassies and general consulates in Ukraine, in accordance with the norms of the Vienna Convention on Diplomatic Relations of 1961, and that it hold those responsible for the attacks accountable.

Since you represent China, Mr. President, I would like to remind you of a well-known saying of Confucius about the fact that it is very difficult to find a black cat in a dark room, especially when it is not there. That is exactly what the members here are doing, discussing an imaginary act of aggression by Russia without talking about the real reason for having this meeting today. But the problem is right under their noses and can be solved extremely easily, as I have already said. An order from Washington could resolve it in the space of 10 minutes. Unfortunately, judging by our Ukrainian colleague's statement, I have to conclude that they have been considerably cheered and intend to continue in their chosen provocative spirit, and hence the fantasies we have been hearing about our plans to seize Mariupol.

In conclusion, I want to issue a warning that Kyiv's policy of provoking a conflict with Russia conducted in coordination with the United States and the European Union is fraught with exceedingly serious consequences. We will put a firm stop to any infringement on the sovereignty and security of the Russian Federation, including in the waters of the Sea of Azov and the Black Sea. I hope that is clear to everyone.

The President (*spoke in Chinese*): I now give the floor to the representative of Ukraine, who has asked to make a further statement.

Mr. Yelchenko (Ukraine): I will be very brief, because I think I was clear enough in my previous statement, which needs no further explanation.

I just want to say that since the spring of 2014, we have heard a lot of epic Russian stories saying that "Crimea is ours" and "They are not there", meaning Russians in Donbas. I think everyone, at least in this Chamber, is completely fed up with all those stories.

My brief comment is specifically for the benefit of Mr. Polyanskiy. The Kerch Strait can only be approached from the south, because the Sea of Azov is located north of the Black Sea. When he said that the Ukrainian ships were brazenly moving northward in trying to enter the Kerch Strait, I could not understand what he meant. They were attacked by the Russian Navy while moving from the Kerch-Yenikale canal southward.

The meeting rose at 12.50 p.m.